

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALF RENTAL COMPANY, INC.,

Plaintiff,

-against-

07 Civ. 3148 (LAK)

BUILDERS RSOURCE, INC., et al.,

Defendants.
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ORDER

LEWIS A. KAPLAN, *District Judge.*

Plaintiff's motion to remand this action to the state court from which it was removed and to dismiss without prejudice as to defendant Nicolson Construction Co. (DI 22) is granted to the extent that the case is dismissed without prejudice as to Nicolson and otherwise denied in all respects. In view of the fact that all of the alleged mechanics' liens have been bonded, neither this Court nor the state court has jurisdiction over any *res*. While it would be desirable in many respects for the dispute to be resolved in its entirety in the state court action, the Court is not persuaded that there is any proper basis to abstain or stay proceedings here in the absence of an agreement among the parties.

SO ORDERED.

Dated: September 6, 2007



Lewis A. Kaplan
United States District Judge

